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SUMMARY RECORD OF THE 1251st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 July 1993, at 3 p.m.

Chairman: Mr. ANDO

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Second periodic report of the Islamic Republic of Iran (continued)

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GE.93-17571 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15) (continued)

1. At the invitation of the Chairman, Mr. Mehrpour, Mr. Tabatabaee, Mr. Karimi, Mr. Mottaghi Nejad and Mr. Alaee (Islamic Republic of Iran) took places at the Committee table.

2. The CHAIRMAN drew attention to sections III and IV of the list of issues to be taken up in connection with the consideration of the second periodic report of the Islamic Republic of Iran (CCPR/C/28/Add.15), which read:

"III. Right to a fair trial (article 14)

(a) Please provide information on provisions governing the tenure, dismissal and disciplining of members of the judiciary. How is the independence and impartiality of judges ensured?

(b) Please provide further information on the jurisdiction and activities of the National General Inspectorate, the Administrative Justice Tribunal and the Revolutionary Courts, as well as on the legal status of the revolutionary guards and the revolutionary prosecutors, and clarify their relationship with ordinary courts.

(c) Please clarify the statement in paragraph 65 of the report that prosecution, trial, issuance and enforcement of a retribution verdict depends on the request of the next of kin.

(d) Please provide information concerning the organization and functioning of the Bar in the Islamic Republic of Iran.

IV. Freedom of movement and expulsion of aliens (articles 12 and 13)

(a) Please clarify the cases in which an individual may be banished from his place of residence, prevented from residing in the place of his choice, or compelled to reside in a given locality, and comment upon the compatibility of those provisions with article 12 of the Covenant. (See paragraph 141 of the report).

(b) Please elaborate on the enjoyment, in the Islamic Republic of Iran, of the right of everyone to leave any country, including his own (paragraph 143 of the report).

(c) Please clarify the conditions and procedure relating to the issuance of exit visa for foreigners whose duration of stay exceeds 90 days (paragraph 145 of the report)."

3. He invited Mr. Mehrpour, at the latter's request, to begin by providing additional clarifications in response to some questions raised at the Committee's 1231st meeting during its forty-seventh session.

4. Mr. MEHRPOUR (Islamic Republic of Iran) welcomed the continuation of the dialogue - which he hoped would be characterized by mutual patience and understanding - and the opportunity to dispel certain ambiguities, so that the Committee and the Iranian delegation might pursue their common goal of safeguarding and promoting human rights and fundamental freedoms on the basis of his country's firm commitment to the Covenant. Efforts had been made to publicize that instrument in his country, notably among the members of the executive, legislative and judicial authorities; he himself had made a detailed report on the matters discussed at the Committee's forty-sixth and forty-seventh sessions and had formulated a number of recommendations that had also been published. The Covenant had aroused considerable interest in academic circles; a number of graduate students had decided to make it the subject of their master's theses.

5. Responding further to remarks made by Miss Chanet, who had asked for more details regarding trials in the Revolutionary Courts, he said that, contrary to what she had believed, such trials, like all others, must, according to the Constitution, be held openly; defendants must have access to a lawyer. It was true that in the past some trials in the Revolutionary Courts had been held in secret, within the precincts or in the close vicinity of prisons; but such was no longer the case. Any failure to ensure that legal proceedings were held in public and in the due presence of counsel constituted grounds for annulling those proceedings and revoking any sentences handed down.

6. There were no restrictions on the right of appeal by accused persons against judgements by any court, including the Revolutionary Courts. The Supreme Court was responsible, on appeal, for considering revision. In 1988, during the preparation of the draft Law on the Revision of Court Judgements, it had been clearly indicated that judgements rendered by the Revolutionary Courts were subject to appeal and revision; 920 judgements by the Revolutionary Courts had been the subject of appeals and the Supreme Court had made a finding of admissibility in 540 of them.

7. Concerning the recruitment and training of judges, he added that judges were generally graduates of the Faculty of Law at Tehran University, the law schools in Tehran and Shiraz or the School of Judicial Sciences in Qum. Possession of a bachelor's degree in law and additional legal training were prerequisites for recruitment. Since Islamic jurisprudence (fiqh) lay at the heart of the laws and regulations of the Islamic Republic of Iran, as it did in all Islamic countries, graduates of fiqh schools, who were trained as well in the country's new laws, were also recruited as judges.

8. In order to ensure that judges acted with complete impartiality, the independence of the judiciary was firmly secured. Article 164 of the Constitution stipulated the following:

> "164. A judge cannot be removed, whether temporarily or permanently, from the post he occupies except by trial and proof of his guilt, or in consequence of a violation entailing his dismissal. A judge cannot be

transferred or redesignated without his consent, except in cases where the interest of society necessitates it, that too, with the decision of the head of the judiciary branch after consultation with the chief of the Supreme Court and the Prosecutor-General. The periodic transfer and rotation of judges will be in accordance with general regulations to be laid down by law."

9. The basic precondition for removal of a judge (trial and proof of guilt) was clear. In case of alleged violation, i.e. misconduct or offence, judicial immunity was withdrawn; if guilt was established by due trial, the judge was dismissed. Concerning the provision relating to the transfer or redesignation of a judge "where the interest of society necessitates it", he explained that it could happen that the way in which a judge discharged his duties in a given circumstance or locality, while not constituting misconduct or misdemeanour, had a negative impact on his environment and in fact impeded the proper administration of justice; in such cases, following consultations between the Supreme Court and the head of the judiciary, transfer or redesignation to another locality could be ordered; but that did not amount to dismissal. Under that provision, cases of transfer of judges who were members of the National General Inspectorate had indeed occurred.

10. Mr. Fodor had asked, in relation to article 61 of the Constitution on the establishment of the courts, whether there was a law that determined the criteria of Islam or whether they were derived freely from religious principles. In stipulating that "courts of justice are to be formed in accordance with the criteria of Islam", the Constitution pronounced in general terms; that guideline was, of course, developed in greater detail in the relevant enabling acts, whether with regard to civil or to criminal courts, of whatever instance.

11. Questions had been asked concerning article 167 of the Constitution, which provided that in the absence of codified law, judgements were to be delivered on the basis of authoritative Islamic sources and authentic fatawa (religious decrees). He pointed out that, pursuant to the same article, the judge was, inter alia, "bound to endeavour to judge each case on the basis of the codified law". In other words, he was to resort to the ancient Islamic sources only in the absence of codified law. He submitted that similar guidelines for the application of the law could be found in numerous countries (and he quoted from the Swiss and French civil codes as just two examples): where ordinary law or case-law could not resolve a judge's questions, he must - in order to fulfil his duty to render final judgement - refer to ancient usage, precedent or doctrine. Fatawa, which could also be invoked in the personal domain (e.g. with regard to the rules for prayer and fasting), as well as in commercial affairs, amounted to doctrine, in other words, to the body of instruction handed down by the great jurisconsults of Islam; it could be of help to modern judges in the absence of codified law. Resort to fatawa, to the age-old body of Islamic law, principle and precedent, was also admitted in the Civil Codes of Algeria, Egypt and Syria (all of which had ratified or acceded to the Covenant), as well as in that of Kuwait.

12. As to the possibility, evoked by Mr. El Shafei, of a discrepancy between fatawa and the applicable law, he reiterated that, under article 167 of the Constitution, the judge must refer to codified law if such law existed, and

that codified law always took precedence; conflict was therefore impossible. That rule applied in criminal, as in all other, cases. Prosecution could only occur in respect of criminal offences that were defined as such under the law. Should there not be an ordinary written law, the judge might refer to fatawa.

13. Responding to a question regarding the situation of non-Muslims in the Islamic Republic of Iran, he observed that, once legislation had been adopted, it applied to all citizens irrespective of their religious beliefs. The same was true of judgements delivered on the basis of precedent, which applied to Muslims and non-Muslims alike. However, in respect of personal matters, the country had certain rules and regulations intended to assist non-Muslims.

14. Mr. Fodor and other members of the Committee had expressed concern regarding in camera trials and inquired whether in such cases judgements were rendered public. Article 165 of the Iranian Constitution, as well as articles 327 of the Penal Code and article 136 of the Civil Code reflected the general principle established by article 14 (1) of the Covenant that trials should be held openly unless that was considered to be detrimental to public morality. When, under special circumstances, trials were held in secret, the judgements must be made public in accordance with article 39 of the Criminal Court Formation Act and article 156 of the Rules for Civil Procedure. The law also stipulated that the parties to a dispute could request that the trial should not be held in public. Such cases generally concerned family disputes over property and the court usually granted such requests.

15. As to questions raised concerning the right of appeal, he confirmed that all persons brought before the Iranian courts, whether military or revolutionary courts, had access to defence counsel.

16. Referring to a question by Mrs. Higgins concerning the role of repentance in release, he said that normally prisoners should be released upon completion of their sentence, unless they committed a further offence in the meantime. However, their repentance during the prison term was one of the factors that would be taken into account when considering the possibility of granting pardon.

17. Mrs. Higgins had also questioned the efficacy of appeal procedures under Iranian legislation and had expressed concern over capital cases in which sentences were executed before the facts of the case could be given due consideration. In that connection, other members of the Committee had referred to the fate of Mr. Bahman Samandari, who had been executed the day after his arrest, to prove that the right to appeal did not exist in Iran. He cautioned against such generalizations. Iranian legislation provided for the right of appeal and judicial review, especially where capital offences were concerned. There had been instances of judgements rendered by the revolutionary courts being overturned where the appeals lodged had been deemed well-founded. Moreover, it was not within his competence or that of the Committee to investigate the facts of specific cases or to say whether there had been sufficient evidence for the conviction and execution of the accused. The only information he could impart was that Mr. Bahman Samandari had been accused of espionage, which in Iran was a capital offence. The Committee was, however, entitled to discuss the basic principles involved. Having been apprised of the relevant correspondence between the investigating authorities

and the revolutionary courts, he was certain that there had been no violation of the proper procedures and that the relevant inquiries had been conducted in respect of the sentence passed, in conformity with Iranian legislation.

18. Mrs. Evatt had requested clarification on a number of issues. In response to her question concerning the rights of arrested persons raised in connection with article 32 of the Constitution, he said that detention of more than 24 hours was an offence in Iran. Persons detained by the police who were not informed of the charges brought against them within that time could lodge complaints with a view to the prosecution of the parties who had violated those rights. Moreover, under the criminal law, prosecutors were required to commence their investigations within the 24-hour period; failure to do so could result in their trial before a court of law and subsequent dismissal.

19. As to Mrs. Evatt's question concerning the equality of men and women before the law, he confirmed that a woman's evidence did not rank equally with that of a man under Islamic law. On the basis of the writings of the Koran, Iranian legislation stipulated that the testimony of two women was equivalent to that of one man. While the principles enshrined in Islamic law must be upheld, he admitted that the problem of their interpretation should be looked at more closely.

20. Mrs. Evatt had also expressed concern regarding the consequences of such a situation for offences where the woman herself was the victim of violence or rape. In that connection, he felt it necessary to explain some basic concepts underlying the issuance of judgements in his country. A judge could pass sentence when the accused confessed freely to the crime in question provided that the accused was in full possession of his faculties. In other cases, judgement might be based on the evidence of two, or occasionally four witnesses who were of sound mind and good standing in society. Generally, however, as in most other countries, the judge used all the means he had at his disposal, examined the evidence and took due account of past convictions, as well as the testimony of the accused and the witnesses, before pronouncing judgement.

21. The CHAIRMAN remarked that, while the Committee greatly appreciated Mr. Mehrpour's efforts to reply to members' questions in such detail, it still had a good deal of work to complete. He therefore urged Mr. Mehrpour to be as brief as possible.

22. Mr. MEHRPOUR (Islamic Republic of Iran) explained that he had felt obliged to provide comprehensive replies to the very detailed questions raised by members of the Committee. Reverting to Mrs. Evatt's queries, he said that any accusation of rape made by a woman was given due consideration by the court. The fact that she had no male witnesses would in no way prejudice the outcome of the trial. In such cases, the judge would use all means available and carefully examine the evidence. There was therefore no need for any concern in that regard.

23. Referring to questions raised regarding women and employment, he pointed out that the Civil Code allowed for a woman's employment provided that her occupation was not detrimental to the interests of her family or implied any

loss of dignity to the latter, the spouse or the woman herself. The spouse could prevent her from working on those grounds, but the woman was entitled to lodge a complaint against him with the courts.

24. He stressed that the Iranian legal system attached great importance to the role of the family and the protection of family unity. A woman could also prevent her husband from accepting a job for the reasons stipulated in the Civil Code. However, since in Iranian society men were obliged to provide for their families, the court in its ruling would consider whether the well-being of the family would be jeopardized if the husband was unemployed.

25. Due account would be taken of the suggestions and observations made by Mr. Lallah, who had also sought clarification regarding non-retroactivity of the law. It should be explained that, under the Constitution and the Penal Code, a person who had committed an act which at the time had not been an offence could not subsequently be liable to punishment. However, under the provisions of new Islamic law, a person already sentenced could appeal for clemency or have his penalty substantially reduced.

26. Mr. Lallah had claimed that banishment contravened article 12 of the Covenant. Such a punishment could be imposed at the discretion of a court, but only in the exceptional circumstances covered by paragraph 3 of article 12.

27. Mr. Bruni Celli had referred to extrajudicial executions. All executions in the Islamic Republic of Iran were carried out pursuant to court proceedings and court judgements. Execution on grounds of religious belief was prohibited under the Constitution. Crimes committed by an individual were of course punishable regardless of his religion.

28. Mr. Wennegren had observed that the lack of an independent bar association had adverse effects on the administration of justice. It was true that the bar association did not currently enjoy the right to elect its Board independently, but measures were being taken to give it fully independent status at an early date. Meanwhile, the right of lawyers freely to choose their clients was not adversely affected. Furthermore, provision existed for authorized lawyers to offer their services to economically disadvantaged clients free of charge.

29. Some of the allegations by Amnesty International and the Lawyers' Committee for Human Rights referred to by Mr. Wennegren had not been substantiated, while others were factually incorrect. Full consideration would of course be given to any well-founded allegations of violations. As for Mr. Wennegren's other questions, under the provisions of the Penal Code and criminal law, decisions regarding the guilt of a child were taken by a court, which could decide either to place him with the parents or guardians, who would then be held responsible for his or her future conduct; or, in the case of more serious crimes, to place the child in the Rehabilitation and Correction Foundation, an institution established by the Justice Department and modelled on similar institutions in many other countries.

30. Regarding compensation where a minor had committed a crime, a cash fine known as mulct (blood-money) was payable by the minor where lesser civil offences (such as damage to property) were concerned. In the case of criminal offences, the blood-money was payable by the father or paternal relative, who was not, however, himself regarded as an offender. That system had its origins in the need to maintain ties between tribes in the era of the dawn of Islam, and was unrelated to the issue of presumption of innocence. The system had proved effective in practice, but was nevertheless under review. He drew a parallel between that system and cases in English law concerning the sale of alcoholic beverages to minors, where it was the holder of the licence, not the seller, who had been held vicariously responsible.

31. Turning to the comment made by Mr. Dimitrijevic regarding the consequences of the private participation of the victim's family in criminal proceedings, he said that the victim's family could not but play some role in a prosecution for premeditated murder. For instance, willingness by the victim or his family to forgive the offender might lead to clemency when the sentence was passed. In the Iranian legal system, when the victim's family acted as a private claimant, it was helping to safeguard society against murderers, as well as applying the principle of Islamic retribution. Nevertheless, the legal system encouraged the victim's family to forgive the murderer, in which case the death penalty would not be applicable. Instead, blood-money would be payable where the forgiveness was not absolute; and, in addition, the court would pass sentence of between 3 and 10 years' imprisonment.

32. It was not true that under the Iranian legal system people were sent to prison to suffer rather than to be reformed. The laws pertaining to imprisonment were fully compatible with the provisions of the Covenant, being designed to secure social rehabilitation. Articles 37 and 38 of the Constitution provided for the proper treatment of defendants and prisoners. Detailed circulars governing their treatment also existed. It was not the case that an offender would be imprisoned only as a result of a private claimant's request.

33. The punishment of flogging had largely been replaced by the imposition of cash fines. Islamic law provided for the punishment of theft by amputation. However, before such a punishment could be imposed, 14 separate conditions must first be met, failing which the offender would be imprisoned instead. Furthermore, there was an ongoing debate among Islamic thinkers on the role of physical punishment in the modern world. Responding to a further point raised by Mr. Dimitrijevic, he said that the high disciplinary courts were looking into the case of Mr. Samandari to see whether there had been any procedural defect. Every effort was being made to ensure that the Iranian legal system complied with the provisions of the Covenant. Where violations were committed by some authorities, they were investigated, and measures were taken to prevent any recurrence.

34. The CHAIRMAN invited the Iranian delegation to respond to the questions contained in sections V, VI and VII of the list of issues, which read:

"V. Freedom of religion and expression (articles 18 and 19)

(a) Are the rights of non-believers or followers of polytheistic religions under article 18 of the Covenant affected by the principle set out in article 2, paragraph 1 of the Constitution?

(b) What is the position of religious minorities not recognized by articles 12 and 13 of the Constitution, including the Baha'is?

(c) Please clarify the meaning of the term 'conspiracy or activities against Islam and the Islamic Republic of Iran' in the context of article 14 of the Constitution.

(d) Please clarify the statement in article 24 of the Constitution that 'the press is free provided the matter written in not detrimental to the principles of Islam'. How many newspapers are there in the Islamic Republic of Iran and are foreign publications readily available?

VI. Freedom of assembly and association and right to participate in the conduct of public affairs (articles 21, 22 and 25)

(a) Please provide information concerning the number of trade unions and political parties in the Islamic Republic of Iran and how they are organized.

(b) Please provide information on the implementation in practice of the limitations to freedom of assembly and association provided for in articles 6 and 16 of the Law pertaining to Activities of Parties, Societies, Political and Professional Associations.

VII. Right of persons belonging to minorities (article 27)

(a) Are persons belonging to minorities, as defined under article 27 of the Covenant, represented in the Islamic Consultative Assembly?

(b) What arrangements have been made to secure the rights of persons of Kurdish origin, in particular in Kurdistan?"

35. Mr. MEHRPOUR (Islamic Republic of Iran), responding to question V (a), said that the principle referred to, which stated that the Islamic Republic was a system based on belief in the One God, did not mean that the rights of non-Muslims, polytheists and atheists were not respected. Judicial rules and regulations applied to all citizens, and the rights of all individuals were thus secure, provided that they did not conspire against the system or commit crimes against it, as provided for in articles 13 and 14 of the Constitution.

36. Regarding question V (b), the Iranian Constitution recognized three religions apart from Islam, namely the Jewish, Christian and Zoroastrian religions. Members of those religious minorities were free to practise their own rites and follow their own social practices in their personal life, for

example in respect of marriage and divorce. Individuals belonging to other religions not recognized by the Constitution were subject to the ordinary law of the land, but their rights were still guaranteed in the same way.

37. The expression "conspiracy or activities against Islam and the Islamic Republic of Iran" (question V (c)) had been clearly defined in the relevant legal rules and regulations as the action of individuals who resorted to conflict or endangered the security or independence of the country or of the Islamic system. Punishment was imposed so as to fit the particular crime; it might consist of imprisonment or, in some cases, capital punishment.

38. On question V (d), article 24 of the Constitution provided for the freedom of the press within the limits of Islamic principles. The activities of the press were governed by a Press Code, which also laid down the procedure for appointing a jury to examine any disputes relating to items published in the press and any alleged offences committed by the press. If a publication deliberately set out to contravene and insult the fundamental beliefs of Islam, it would be banned. On the other hand, where individuals wished to engage in rational academic discussion, they were free to do so even if they adopted an attitude hostile to Islam. Recent statistics showed that 457 licensed publications were currently available in the country, including daily, weekly, monthly and annual publications. Nine of the 32 daily newspapers were published in Tehran, the remainder elsewhere. Most foreign publications were available in the Islamic Republic of Iran.

39. Turning to section VI of the list of issues, and more particularly question (a) on trade unions and political parties, he said that detailed regulations for the formation of trade unions and for the election of trade union councils and assemblies were set out in the Labour Code. A very active labour organization existed for the benefit of all workers and covered 1,450 manufacturing units throughout the country. The Labour Code, adopted in 1990, which governed all aspects of trade union activities, was generally available and had been translated into English by the ILO.

40. Political parties, as they were known in the West, did not exist in Iran. The political and social structure of the country consisted of 16 groups which were authorized to engage in political activities and a further 57 groups which engaged in social and political activities within the limits laid down in the Constitution. The administration of Iran was based on the full participation of the people in public affairs and in public administration. The members of the central legislative body, the Islamic Consultative Assembly, were elected directly by the Iranian people without the mediation of the social and political groups to which he had referred. That applied equally to the election of the President of the Islamic Republic of Iran. Six general elections had been held under completely free conditions since the Revolution.

41. As to question VI (b), some of the limitations were listed in article 16 of the Law concerned, which prohibited activities that might violate the independence of the country, attempts to exchange information with foreign powers, violations of the territorial integrity of the country, activities infringing the freedoms and rights of others and attempts to undermine the solidarity of the Iranian people.

42. Referring to section VII (a) of the list of issues, he said that the minority religious groups recognized by the Constitution were represented in the Islamic Consultative Assembly by five members who were elected by the minority groups themselves. Those groups were of course free to elect candidates from outside their own groups also. Although some representatives of minority groups might be elected by as many as 2 million or more voters, the Zoroastrian minority population had amounted to only about 30,000 persons at the last count. Zoroastrian candidates were required to obtain at least 5,000 votes to be elected to the Islamic Consultative Assembly. Representatives elected by minority groups enjoyed the same rights as other members of the Islamic Consultative Assembly. They were entitled to participate in the making of decisions, the submission of proposals, voting on legislation, the adoption of recommendations, etc., which affected not only their own minority groups but also the population as a whole.

43. The final question on the list of issues related to measures to secure the rights of persons of Kurdish origin, in particular in Kurdistan. In principle there were no racial problems in the country. All groups, whether of Kurdish, Farsi, Baluchi or other origin, were regarded as Iranian citizens. They all enjoyed equal rights and could engage in political activities or perform judicial functions on an equal basis. Mr. Lallah might very well have met representatives of minority groups at a recent seminar held in Tehran.

44. Anyone engaging in activities endangering the independence of Iran, for example by promoting Kurdish ethnicity, would of course be breaking the law and would be liable to punishment. Otherwise, all citizens enjoyed equal rights under the Constitution, including the use of their own language and the promotion of their own culture in schools.

45. Mr. HERNDL said that his first question related to article 18 of the Covenant. Article 13 of the Constitution limited freedom of religion in that only Christians, Jews and Zoroastrians were free to perform their religious rites and ceremonies. The Committee had just adopted a general comment on article 18 of the Covenant (CCPR/C/48/CRP.2/Rev.1), paragraph 2 of which stated that article 18 protected theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. It was therefore open to question whether that article of the Constitution could be regarded as being in conformity with the Covenant. In that connection, he was seriously concerned over the situation of the Bahai's. Paragraphs 218 to 257 of the report by Mr. Galindo Pohl, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1993/41), had enumerated numerous restrictions which had been imposed on the Baha'i community. Paragraph 41 of the official reply by the Iranian Government to the Special Representative (E/CN.4/1993/41/Add.1) stated succinctly that Baha'ism had not been recognized as a religion in the Islamic Republic of Iran and that no right in that regard was available to the Baha'is. That implied that the Government was claiming the right to license religions, a claim which would be contrary to the provisions of the Covenant.

46. Referring to article 19 of the Covenant, covered by paragraphs 203 to 206 of the second periodic report, he noted that he had submitted a written question asking what exactly was signified by the term "detrimental to the principles of Islam". In reply, the Iranian delegation had said that no

limitations were imposed on religious groups and that only crimes such as conspiracy or murder were punishable, but it had still failed to explain the meaning of the term. Secondly, he drew attention to the statement in paragraph 204 that the definition of political offences would be determined by law in accordance with Islamic criteria. There the Committee was again faced with the intricate interrelationship between society and Islamic principles. Although the Constitution admitted the existence of religious groups other than Islam, the interests of those groups were gravely jeopardized by the constant emphasis on Islamic criteria.

47. For example, according to the 1987 Press Act, the Ministry of Islamic Guidance exerted very considerable influence on the appointment of the juries responsible for dealing with press issues. The general attitude to the press emerged clearly from a Government statement, quoted in paragraph 176 of the Special Representative's report (E/CN.4/1993/41) to the effect that the press was obliged to observe respect for public opinion and was not permitted to dishonour the national and religious beliefs of the people, be they Muslim or from official minorities, and that that principle formed the baseline for the policies of the Islamic Republic of Iran towards freedom of the press, expression and opinion. The sweeping limitations imposed by that statement exceeded the admissible restrictions set out in article 19 (3) of the Covenant.

48. Equally relevant to the question of the freedom of the press was the case of the sports monthly Farad, referred to in paragraph 184 of the Special Representative's report, which had been banned on charges including apostasy after accusations that the magazine had insulted Islamic society by publishing a caricature of a football player allegedly resembling the late Iman Khomeini. In its reply (E/CN.4/1993/41/Add.1, para. 20), the Government had stated that the publishing licence of Farad had been suspended due to its insults to Islamic values and society. That suspension had been decided upon by the Licence Issuance Committee for Publication, composed of representatives of the judicial branch, the press corps, the Islamic Consultative Assembly and the executive branch of the Government, with respect to the press laws. Once again a newspaper had been banned for publishing something contrary to the principles of Islam.

49. Turning to the subject of the fatwa on Mr. Salman Rushdie, he pointed out that Mr. Mehrpour had stated in connection with that case at the 1230th meeting of the Committee (CCPR/C/SR.1230, para. 9) that the fatwa had been issued by the Iman Khomeini as a religious leader and not as a representative of the Government. Any action taken in response to that fatwa would accordingly be based on an individual's religious beliefs. The question which now required an answer was whether the subsequent statement by President Rafsanjani, reported in Time International on 24 May 1993, that the sentence imposed on Mr. Rushdie had been prescribed by Islamic law, meant that the Iranian Government had now endorsed the fatwa, or whether, recognizing its responsibilities under international law, it was prepared to take a firm stand against the fatwa. The facts of the case had already been recognized by the Commission on Human Rights in its resolution 1993/62, paragraph 5 of which had expressed grave concern that there were continuing threats to the life of a

citizen of another State which appeared to have the support of the Government of the Islamic Republic of Iran, and whose case had been mentioned in the report of the Special Rapporteur.

50. Turning to article 21 of the Covenant, he said that according to the ILO, restrictions had been placed on the right of peaceful assembly in the Islamic Republic of Iran. The Committee was accordingly bound to ask to what extent freedom of assembly was in fact guaranteed there. The second periodic report had stated in paragraph 210, and Mr. Mehrpour had confirmed, that freedom of assembly was guaranteed, provided that such assemblies did not violate the principles of national unity, the criteria of Islam or the basis of the Islamic Republic. On the other hand, it also stated (para. 211, note 2) that demonstrations would not be allowed to take place by the Ministry of the Interior if the Article 10 Committee considered the demonstrations to be detrimental to the principles of Islam.

51. He felt bound to point out in passing that the term "minorities" in article 27 of the Covenant related not only to religious but also to other types of minorities and that even the recognized religious minorities, namely Jews, Christians and Zoroastrians, might be underrepresented in the Islamic Consultative Assembly since they had only 5 seats out of a total of 270. Perhaps the Iranian delegation could furnish some statistical information on the size of the different minorities in the Islamic Republic of Iran.

The meeting rose at 6.10 p.m.